

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

CANDICE MICHELLE HARDWICK	)	
by and through her Parents and Guardians	)	
DARYL LEWIS HARDWICK and	)	
PRISCILLA LEA HARDWICK;	)	
	)	
Plaintiffs,	)	CIVIL ACTION NO: 4:06 1042-TLW
	)	
vs.	)	
	)	
MARTHA HEYWARD in her	)	
individual capacity and in her official	)	<b>PLAINTIFFS' RESPONSE TO</b>
	)	<b>DEFENDANT's MOTION FOR</b>
capacity as Principal of Latta Middle	)	<b>ADDITIONAL FINDINGS</b>
School;	)	<b>PURSUANT TO RULE 52(b),</b>
	)	<b>Fed. R. Civ. P.</b>
GEORGE H. LIEBENROOD, JR.,	)	
In his individual capacity and in his	)	
official capacity as Principal of	)	
Latta High School, and the	)	
	)	
Board of Trustees of Latta School District	)	
(Dillon County No. 3),	)	
	)	
Defendants.	)	

The Plaintiffs, Candice Michelle Hardwick, Daryl Lewis Hardwick and Priscilla Lea Hardwick, by and through their undersigned counsel of record, concur with Defendants that if Court consideration of the defense of qualified immunity is unnecessary due to its findings set forth in said Order of September 8, 2009, that the Order be amended to so state.

However, Plaintiffs aver that the Court's finding of no constitutional violations by the Defendants makes the defense of qualified immunity by the individual Defendants moot and irrelevant. The Defendants have their cake, let them eat it and be satisfied.

Respectfully submitted,

LAW OFFICES OF LOURIE A. SALLEY, III

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ATTORNEYS FOR THE PLAINTIFF

Lexington, South Carolina

October 6, 2009

### CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Plaintiffs Response to Defendant's Motion for Additional Findings, Pursuant to Rule 52(b), Fed. R. Civ. P., has been sent to Vinton Lide [dee@lidelaw.com](mailto:dee@lidelaw.com) , Post Office Box 2189, Lexington, South Carolina 29072 and Vernie Williams [vwilliams@childs-halligan.net](mailto:vwilliams@childs-halligan.net) , The Tower at 1300 Gervais, Suite 900, Columbia, South Carolina 29201, counsel of record for the Defendants, by electronic transmission and U.S. Postal Service on this, the 6<sup>th</sup> day of October, 2009.

S/Kirk D. Lyons